## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

CONVOLVE, INC.,

Plaintiff,

v.

DELL, INC., WESTERN DIGITAL CORPORATION, HITACHI GLOBAL

STORAGE TECHNOLOGIES, INC. and HITACHI LTD.,

Defendants.

Case No. 2:08-CV-244

**JURY TRIAL DEMANDED** 

## DEFENDANTS' AGREED MOTION FOR EXPEDITED BRIEFING ON DEFENDANTS' MOTION TO STRIKE PORTIONS OF **CONVOLVE'S EXPERT REPORTS (DOCKET NO. 443)**

Defendants Dell, Inc., Western Digital Corp., Hitachi, Ltd., and Hitachi Global Storage Technologies, Inc. (collectively, "Defendants") hereby seek the Court's permission for entry of an expedited briefing schedule and resolution of Defendants' Motion to Strike Portions of Convolve's Expert Reports That Are Based on Testing of Devices That Were Not Produced for Inspection, Docket No. 443, filed concurrently herewith.

The parties have agreed to the following briefing schedule:

- Convolve's Response to be filed Friday, July 8, 2011.
- Defendants' Reply to be filed Sunday, July 10, 2011.
- Convolve's Sur-Reply to be filed Wednesday, July 13, 2011.

Accordingly, Defendants respectfully request that the Court grant this Motion for expedited briefing and resolution of Defendants' Motion prior to the trial set to begin July 18, 2011. Expedited briefing is required because the trial is approaching and the issues in the Motion to Strike Portions of Convolve's Expert Reports are crucial to the trial.

July 1, 2011 By: /s/ Roger Fulghum

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically on July 1.
2011, pursuant to Local Rule CV-5(a) and has been served on all counsel who are deemed to
have consented to electronic service.

/s/ Bradley Bowling
Bradley Bowling

## **CERTIFICATE OF CONFERENCE**

In accordance with Local Rule CV-7(h), Brad Bowling, counsel for Dell Inc., conferred in good faith with Anna Carr Halsey, counsel for Convolve, Inc., during a meet and confer telephone conference on July 1, 2011. In emails following the telephone conference, Ms. Halsey stated that Convolve agrees to this briefing schedule.

/s/ Bradley Bowling
Bradley Bowling